

**The Superior Court of the State of Washington
In and For the County of Grant**

Evan E. Sperline, Judge
Department One
Presiding Judge, 2008 –

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February 6, 2010

Clerk of the Supreme Court
P. O. Box 40929
Olympia, WA 98504-0929

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
2010 FEB 10 AM 8:16
BY RONALD R. CARPENTER
CLERK

Re: Proposed Rules
Code of Judicial Conduct
Canon 3 Rule 3.7

Ladies and Gentlemen:

A judge should be permitted to stand up in church and encourage fellow members of his or her congregation to financially support it. A judge should be permitted to solicit contributions to a charity fund from other members of a civic organization to which the judge belongs.

I submit that such activities should in no way be considered unethical so long as they cannot reasonably be deemed to be coercive or exploitative of the judicial office, and comply with the requirements of Rule 3.1.

I therefore propose the following amendment to Canon 3, Rule 3.7(B):

(B) soliciting* contributions* for such an organization or entity, but only (1) from members of the judge's family,* (2) from members of an organization or entity of which the judge is also a member so long as the incentive to contribute reasonably appears to arise from their mutual membership interests and not from the judge's office or judicial authority; or (3) from judges over whom the judge does not exercise supervisory or appellate authority.

The proposed amendment would require adjustment of the Comment associated with the rule, and an amendment similar to the following in Rule 3.7(C):

(C) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fundraising purpose, the judge may do so only if the event concerns the law, the legal system, or the administration of justice, or as permitted by section (B)(2) of this rule when the judge is a member of the organization or entity;

Within the confines of Rule 3.1, made applicable by the introduction to Rule 3.7, this amendment would do great potential good, and would do no harm. For instance, a judge should be able to solicit on behalf of his or her *alma mater* from fellow alumnae, especially those who share no other connection with the judge and reside in a remote jurisdiction.

I have a personal interest in this proposal. I serve on the Board of Directors of Pacific Lutheran Theological Seminary in Berkeley, California. PLTS is financially supported by individual donors, organizations, and Lutheran congregations, synods and churchwide entities. I represent on the board all of Eastern Washington and Idaho. If I visit a congregation in Spokane, Yakima, or Boise, and encourage support for PLTS, my judicial role is wholly irrelevant.

I hope the Court will agree that proposed Rule 3.7 is more restrictive than it should be, and that my proposed amendment is safe, sensible, and salutary.

Very truly yours,

A handwritten signature in black ink, reading "Evan E. Sperline". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Evan E. Sperline